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FILED

OCT 28 2015

**SECRETARY, BOARD OF
OIL, GAS & MINING**

Attorneys for Utah Division of Oil, Gas and Mining

BEFORE THE UTAH BOARD OF OIL, GAS AND MINING

In the matter of: reclamation at the Elite
Rock-West mine, permit no.
S/049/050, operated by Wasatch
Mountain Excavating, located
southwest of Elberta in the
southwestern Utah County, Utah

**Joint Motion for Entry of
Stipulated Order**

Docket No. 2015-023
Cause No. S/049/0050

The Utah Division of Oil, Gas and Mining (Division) and Respondent Wasatch Mountain Excavating, Inc. (Wasatch Mountain) submit this Joint Motion for Entry of Stipulated Order for consideration by the Utah Board of Oil, Gas and Mining.

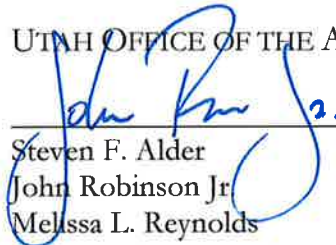
The Division and Wasatch Mountain have engaged in good-faith negotiations to resolve the matter explained in the Division's Notice of Agency Action. As a result, the parties have reached an agreement and respectfully ask the Board to enter the attached Stipulated Order.

In brief, the Stipulated Order is somewhat similar to a "friendly forfeiture" and resolves all outstanding issues in this case. Wasatch Mountain will convey to the Division \$10,000 in cash or cash equivalent. The Division will accept that cash settlement in satisfaction of the outstanding permit fees, civil penalties, and

reclamation liability at the Elite Rock–West mine site. The Division will then contract for reclamation at the mine site and deposit any remaining money into the abandoned mine fund.

Respectfully submitted on the 28th day of October, 2015.


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Addresses Required by Rule:

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Certificate of Service

I certify that I caused to be served the above **Joint Motion for Entry of Stipulated Order** and **[proposed] Stipulated Order** to the following parties on the 28th day of October, 2015:

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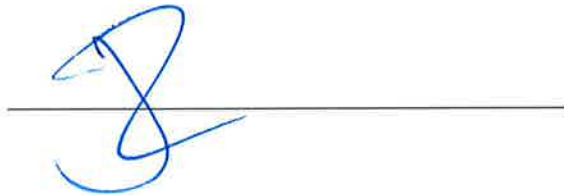
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BEFORE THE UTAH BOARD OF OIL, GAS AND MINING

In the matter of: reclamation at the Elite Rock-West mine, permit no. S/049/050, operated by Wasatch Mountain Excavating, located southwest of Elberta in the southwestern Utah County, Utah

Stipulated Order

Docket No. 2015-023
Cause No. S/049/0050

In June, the Division of Oil, Gas and Mining (Division) issued a Notice of Agency Action (NOAA) to Wasatch Mountain Excavating (Wasatch Mountain). The NOAA sought back permit fees and forfeiture of a reclamation bond tied to the Elite Rock–West mine site, operated by Wasatch Mountain. Since that time, the parties have engaged in good-faith negotiations to resolve the NOAA and the Division has twice moved for a continuance of this matter to facilitate that process.

Those negotiations have concluded in a settlement agreement and the parties requested that the Utah Board of Oil, Gas and Mining (Board) enter this Stipulated Order to memorialize the agreement and give it binding effect. The Board has authority to issue this order under the Utah Mined Land Reclamation Act, Utah Code §§ 40-8-1 to -23.

The Division and Wasatch Mountain jointly agree to the following, and the Board hereby ORDERS:

1. Wasatch Mountain shall pay ten thousand dollars (\$10,000) (the Payment) in cash or cash equivalent to the Division. The Payment may be paid by Chase Bank as set forth in paragraph 7 below.
2. The Payment is due to the Division by the close of business on November 6, 2015.
3. The Division will accept the Payment in complete satisfaction of the Division's claims against Wasatch Mountain involving the Elite Rock–West mine site.

Complete satisfaction includes reclamation costs, civil penalties and back permit fees owed.

4. Upon the Division's receipt of the Payment, the Division will release Wasatch Mountain from all reclamation liability at the Elite Rock–West site.
5. The Division will use the Payment funds to reclaim the Elite Rock–West site to Utah Mined Land Reclamation Act standards. The Division will retain any remaining funds.
6. Wasatch Mountain will not be liable for any reclamations costs that exceed the value of the Payment.
7. Upon the Division's receipt of the Payment, whether the Payment is made directly by Chase Bank or by Wasatch Mountain, the Division will release any claim it has against Chase Bank. If Wasatch Mountain makes the Payment directly, the Division shall authorize Chase Bank to release any Wasatch Mountain funds that pertain or relate to the Elite Rock–West mine site, including any monies held by Chase Bank for the benefit of the Division.
8. Upon the Division's receipt of the Payment, the causes of action and relief sought in the Notice of Agency Action are, and shall be considered, fully adjudicated and resolved on the merits, with Wasatch Mountain making no admissions of liability on any claims asserted by the Division, except as may be required to reach this just resolution of the Division's claims.
9. If Wasatch Mountain fails to timely remit the Payment to the Division as provided in paragraph 2 herein, the Board will deem Wasatch Mountain in breach and vacate this Stipulated Order. The Board will then enter a new Order that grants all the relief requested in the NOAA (as amended) without further notice or opportunity for hearing.
10. Nothing in this Stipulated Order shall preclude Wasatch Mountain from bidding on the reclamation of the Elite Rock–West site.

The Board retains exclusive and continuing jurisdiction over all matters covered by this Stipulated Order and over all parties affected thereby. Specifically, the Board retains and reserves jurisdiction to make further orders as appropriate and authorized by statute and applicable regulations.

ORDERED this ____ day of October, 2015.

STATE OF UTAH
BOARD OF OIL, GAS AND MINING

Ruland J Gill, Jr., Chairman.